

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena Headquarters – 1420 East 6th Avenue
Helena, MT 59620
CONFERENCE CALL

January 11, 2005

Commission Members Present: Chairman Steve Doherty, Shane Colton, Victor Workman, John Brenden, Tim Mulligan.

Fish, Wildlife & Parks Staff: Jeff Hagener, Director, Chris Smith; Don Childress, Hank Worsch, Dan Ellison, Ron Aasheim, Jeff Herbert, Jim Kropp, Regena Peterson

Chairman Doherty called the conference call meeting to order at 9:00 a.m.

1. Bison Hunt Reconsideration. Hagener explained that following Commission actions at the January 10, 2005 Commission meeting (yesterday), confusion was expressed by the Commission and Governor relative to the bison hunt application process. Commission action directed FWP to refund all \$3.00 application fees (plus related internet charges if applicable). After the meeting concluded, it was brought to FWP's attention that members of the Commission did not feel they were provided sufficient knowledge of the situation, and they were apprehensive about the refund process.

Hagener said it is the intention that there will be a 2005-2006 bison hunt. When Chairman Doherty asked if the current applicant pool could be used for a future drawing, where perhaps 10 names be drawn and considered as preference licenses, Hagener replied that FWP cannot issue a license that extends over two license years. Using the current pool of applicants to give advance notice to ten people for a fall hunt has never been done before, then again, the whole bison process is new and there are no specific rules in place yet.

Chairman Doherty stated he wants to show good faith to the applicants. If someone draws a permit and does not want to hunt at the particular time it is valid, they will be required to forfeit their license. He said his intention was to go forward with the drawing and let ten people know they will have the opportunity to hunt this upcoming fall.

Colton said he is in favor of holding a drawing, as this would provide incentive to work hard on the Bison Plan to offer a successful hunt in the fall. If the quota is raised, another drawing can be conducted. He said realistically the timeframe may be expanded, but even minus an expanded area, the hunt will still go forward.

Workman said if a hunt is not held next fall, hunters will lose the confidence they have in the Commission. He said an expanded area needs to be arranged through some sort of agreement that would allow hunting in those areas where hazing is conducted. He suggested that hazing not be conducted on weekends or during specified weeks, etc. He said if that cannot be arranged, then let them hunt there anyway. He feels bison that have been hazed will offer a fair-chase hunt. Workman said FWP should ask the Governor for help as the Governor has told him that he would personally talk to private landowners about opening their land for hunting bison. He favors instructing FWP staff to go forward with the drawing, and then inform those successful applicants that they will have an expanded hunt next fall.

Mulligan said he is concerned about conducting the drawing. People will say they didn't apply for next year, but for this year. Modifications to the Interagency Plan need to be addressed immediately. Mulligan said two seasons ago, more elk tags were offered on the Flying D Ranch than the Flying D Ranch would allow, and it created a great deal of grief. Brenden agreed with Mulligan. He added that this could be perceived as discriminatory, and a drawing now could be for a hunt that may or may not happen. He said it would be simpler and cleaner to start all over again.

Workman said the Commission are the decision makers and have the authority to decide that next year there will be a hunt of 10 bison at a minimum.

Mulligan said that would "short circuit" the season setting process as each year the commission needs to hear public opinion. Workman said this is an exception to the rules. Hagener and Mulligan stated that this is an annual rule. Doherty said the rule decides if and when there will be a season, and sets the quotas. He feels the season setting process will still be there.

Hagener said it is still necessary to go through the process. Many variables are involved, some of which include determining the extent of land, and setting quotas. The Department must listen to public comments, and review the climatic conditions. The annual rule requires that the tentative regulations include a public hearing process.

Mulligan noted that the EA stipulates twenty-five head as the maximum number of bison that can be harvested. Hagener added that two legislative bills are asking to direct the bison harvest to the Tribes, which would create additional considerations.

The refund of application fee was discussed at length. Hagener said FWP has never refunded the application fee, and the Department would be reluctant to do this. He suggested conducting the drawing, but not return the fee dollars. FWP does not want to set a precedent on refunding application fees – the regulations state that application fees are non-refundable. It was suggested to return money to only those people who request a refund. Hagener said that would create chaos. Refunds will cost the Department over \$20,000 in addition to the \$3 per application already incurred by the Department.

Doherty suggested refunding all applicants as well as drawing 10 tags. Colton said that will negatively impact the Department. He recommended delaying the drawing until March. The applicants could either request their money back or remain in the pool of names. Notification of such action would be made to those in the pool with a notation that they will receive their money back if FWP does not hear from them by a preset date. Workman suggested that the 10 applicants who are drawn pay the fee and refund everyone else their money. Colton said that would cost over \$50,000.

Brenden said he voted to offer a hunt to 10 people, and it is the Commission's responsibility to have a hunt next fall. Mulligan said he cannot support conducting the drawing, however if it is held, money must be refunded to everyone but the 10 successful applicants. Colton said he favored conducting the drawing and refunding the money. He asked if a set of backup names could be developed to replace anyone who is drawn and does not want to hunt next year. Hagener replied to the affirmative.

Action: Colton moved and Workman seconded the motion to conduct a drawing on the current list of applicants for the 2005 buffalo hunt and that the 10 winning applicants are given the opportunity to obtain a license for the 2005-2006 season and that in accordance with yesterday's action all unsuccessful applicants will be refunded their application fee.

Hagener said this is an extreme circumstance that is substantially different than anything ever done by the Department. Doherty said this is a unique situation and not something that would be done for any other season. It's a brand new, one of a kind hunt. Brenden stated this action would be making it hard on themselves and would be a mistake.

Action on Motion: Motion carried. Three in favor – two opposed (Brenden and Mulligan).

Doherty said the Commissioners need to visit the sites and take a close look at the hazing procedure. He does not want to endanger Montana's brucellosis-free status. Brenden stated that the previous Commission (including Mulligan and himself) have already been on-site and have seen firsthand what is going on, that this is not a new situation. .

Mulligan said it was a mistake for the previous Commission to make a decision instead of letting the new Commission decide. Mulligan asked what can be done to expedite things. Perhaps a meeting could be scheduled with Department of Livestock and the National Parks Service.

Hagener said options are open. The Department can arrange a large meeting involving the public, or a small meeting with only the Department of Livestock and Park Service who are parties of the Interagency Plan. Regardless of the size of the meeting, the Gallatin Wildlife Association and the Buffalo Field Campaign will be there.

Hagener said all agencies involved in the Plan have different perspectives. Workman suggested omitting the "feds" and just hold a hunt, and if the hazers get in the way, so be it. He said it appeared that modifying the Plan should not be that difficult and not that much effort had been put into it.

Mulligan stated that he does not want to convey the perception that the Department has not put a great deal of work into this Bison Plan because they have. Hagener said thousands of hours have gone into the development of the Plan. Any changes to the Plan must be agreed to by all parties.

Hagener suggested holding a work session in March in conjunction with the Commission meeting to begin discussions on a revised Plan. Invitations would be extended to Department of Livestock and other involved entities. Doherty agreed with that idea. Hagener said arrangements can be made for those Commissioners who wish to tour the hazing projects.

Action: Colton moved and Workman seconded the motion to adjourn. Motion carried.

Meeting adjourned at 9:50 a.m.

Steve Doherty, Chairman

M. Jeff Hagener, Director